

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOSEPH BOOK,
Plaintiff

VS

STATE TROOPER KURT M.
FERRAZZANI, STATE TROOPER SMITH)
STATE TROOPER MCKENZIE, AND)
STATE TROOPER HENNIGAN)
Defendants)

NO. 04-CV11557

DEFENDANTS' MOTION IN LIMINE
TO PRECLUDE PLAINTIFF FROM ATTEMPTING TO
INTRODUCE HEARSAY STATEMENT FROM UNKNOWN
POLICE OFFICER

Plaintiff has stated his intention to offer testimony from his son, Michael Book, regarding a statement made by an unidentified police officer. Specifically Michael Book testified in deposition that he was in the Chelsea District Court waiting for the trial of his father on the motor vehicle charges stemming from the collision with Mr. Rizzutti.

Michael Book states that he saw a group of four police officers talking and that one of them said words to the effect that if we just stick with what is in the report we will be ok.

Michael Book does not know the identity of the person that made that statement, and therefore cannot attribute it to any of the defendants. He does not know which case the officers were present for and does not know if they were referring to his father's case. The statement itself is at best ambiguous.

As the proffered statement is hearsay that cannot be attributed to a defendant it is not admissible in evidence. Defendants move in limine for its exclusion.

Respectfully submitted,

Defendant Kurt Ferrazanni
By his counsel,

/s/ Brian Rogal

Brian Rogal, Esquire
BBO No. 424920
160 Gould Street, Suite 111
Needham, MA 02494
781-455-8964

Defendants McKenzie, Smith and
Hennigan,
By their counsel,

/s/ Timothy M. Burke

Timothy Burke, Esquire
BBO No. 065720
160 Gould Street, Suite 111
Needham, MA 02494
781-455-0707

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